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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marcus CLARK

Serial No.: 10/733,060

Filing Date: 11 December 2003

Title: SNAP-LOCKING INITIATOR
ASSEMBLIES FOR INFLATOR DEVICES

Customer No.: 45483

Group No.:
3641

Examiner:
Troy Chambers

PETITION TO THE GROUP DIRECTOR TO WITHDRAW THE
FINALITY OF THE OFFICE ACTION
PURSUANT TO 37 CFR 1.181

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In view of the finality of the Office Action dated as mailed on 20 August 2007, Applicant submits this Petition and respectfully requests prosecution be reopened for this Patent Application.

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Mark D. Swanson

Type or print name of person signing certification

[Signature] 19 October 2007

Signature

Date

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Applicant hereby petitions the Director of Group 3600, or other appropriate person, to withdraw the finality of the Office Action and to reopen prosecution for this Patent Application.

Summary of the Prosecution History

The Office Action dated 22 September 2005 stated Claims 21-28 were allowed. Applicant responded to this Office Action by the Amendment dated 22 December 2005, and only addressed allowed Claims 21-28 by thanking the Examiner for his efforts in determining these claims were allowed.

The Examiner responded to Applicant's Amendment with a Detailed Action dated 02 May 2007. The Detailed Action stated that Applicant didn't respond to a rejection of Claim 21, and that Applicant should have addressed the "obvious discrepancy" between the allowance of Claim 21 indicated in the "Office Action Summary" and the "clear rejection" in Paragraph 14. Applicant replied to the Office Action dated 22 September 2005 by making a good faith response based upon a reasonable and justified reading of the Office Action as a whole.

As noted in Applicant's Replacement Amendment dated 24 May 2007, filed in response to the Detailed Action, Applicant asserted that in addition to the Office Action Summary, Paragraph 17 of the Office Action clearly states that Claims 21-28 are allowed, Paragraph 5 of the Office Action did not indicate Claim 21 was rejected, and Paragraph 14 did not explicitly state that Claim 21 was rejected. Paragraph 14, as compared to the rejection of independent Claim 13 in Paragraph 13, was merely a statement about two, but not all, additional limitations of Claim 21. Applicant respectfully asserted, and still asserts, that in view of the Office Action as a whole, Applicant's Amendment dated 22 December 2005 was justified and did not warrant the Detailed Action.

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The Office Action contained the mistake. Applicant's reading of the clear language of the Office Action regarding the allowance of Claim 21 was justified. Thus the USPTO should not hold the Office Action's mistake against Applicant, and the USPTO should grant Applicant a further non-final Office Action, having the requested further detail regarding the rejection of Claim 21 that is explained below.

Applicant's Replacement Amendment dated 24 May 2007 further asserted, and Applicant herein still asserts, that the alleged rejection of Claim 21 is improper as it does not clearly address all claim limitations of Claim 21 in a manner that allows Applicant to sufficiently respond. Instead of issuing the Detailed Action, the Examiner should have corrected the discrepancy by issuing a new non-final Office Action explaining in detail for the record how Claim 21 is rejected. The Detailed Action also did not provide the necessary details to make a proper rejection of Claim 21. The Replacement Amendment specifically requested that if the rejection of Claim 21 as anticipated by the Shirk et al. Patent was going to be maintained, that the next Office Action should be non-final to allow Applicant a proper opportunity to respond. The Examiner instead issued the subject final Office Action with no more detail as to the rejection of Claim 21, nor a response to Applicant's arguments against the anticipation rejection of Claim 21.

The rejection of Claim 21 in the final Office Action is not complete, so as to allow Applicant a chance to sufficiently reply. None of the Office Actions have explained how the Shirk et al. Patent teaches each and every limitation of Claim 21. Whereas the final Office Action's rejection of Claim 21 refers to the rejection of the preceding claims, this is not sufficient because the final Office Action indicates that the "wherein" clauses of Claims 1 and 13 were not considered, and the Shirk et al. Patent was applied to Claims 1 and 13 as if the "wherein" clauses were not present.

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Claim 21 was not included in the prior objection to Claims 1 and 13, and Claim 21 was deemed to positively recite an adapter plate. Thus the "wherein" clause of Claim 21 should be considered and a proper rejection of Claim 21 should explain how all the limitations of Claim 21 are taught by the Shirk et al. Patent.

Applicant responded to the Detailed Action noting that Claim 21 requires at least two retaining arms that extend through an adapter plate opening, and where latch tabs of the retaining arms are snap-locked to a surface of one of the initiator retainer element and the connector socket to connect the initiator retainer element, the adapter plate, and the connector socket together. The retainer 122 of the Shirk et al. Patent is disposed on the same side of the wall 40 as the connector socket 62. The retainer 122 does not have any retainer arm that extends through any wall opening and that snap-locks to the connector socket 62. Yet, the final Office Action provides no further detail as to how the Examiner is applying the Shirk et al. Patent.

None of the Office Actions explain how the Shirk et al. Patent teaches the following required limitations of Applicant's Claim 21: 1) an adapter plate including an adapter plate opening and an initiator retainer element disposed on a first side of the adapter plate and the connector socket disposed on a second side of the adapter plate opposite the first side; 2) at least two retaining arms extending from at least one of the initiator retainer element and the connector socket, with each of the at least two retaining arms including a latch tab; and 3) the at least two retaining arms extending through the adapter plate opening and the latch tabs of the retaining arms being snap-locked to a surface of one of the initiator retainer element and the connector socket to connect the initiator retainer element, the adapter plate, and the connector socket together.

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As Applicant does not understand how the Examiner justifies maintaining the rejection of Claim 21, Applicant lacks information about the Examiner's application of the prior art that is necessary for determining how to proceed (i.e., whether the claim is ready for appeal or requires a clarifying amendment). Therefore, Applicant respectfully submits this Petition requesting that prosecution be reopened and that the Examiner properly explain the rejection of Claim 21.

Petition

Applicant hereby petitions the Director of Group 3600, or other appropriate person, to reopen prosecution of this Patent Application pursuant to 37 CFR 1.181 for prematurity of the final rejection.

If any further detail is needed to grant this Petition, Applicants requests the undersigned be contacted by telephone. No fee is believed necessary for this Petition under 37 CFR 1.181. If, however, it is determined that a fee is properly due as a result of this Petition, the Commissioner is hereby authorized to charge payment of such fees, associated with this Petition, to Deposit Account 19-3550.

Respectfully submitted,



Mark D. Swanson
Registration No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60169
TEL (847) 490-1400
FAX (847) 490-1403

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